

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3129
)	
v.)	
)	MEMORANDUM AND ORDER
MICHAEL LEE BUTLER,)	
)	
Defendant.)	

The defendant has moved to continue the pretrial motion deadline currently set for January 4, 2010, and the trial, which is currently scheduled for January 25, 2010. Filing Nos. [26](#) & [27](#). Defense counsel explains he needs additional time to review discovery, confer with his client, and determine if pretrial motions should be filed. Counsel for the government does not oppose the defendant's motions. The court finds the motions should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motions to continue, (filing nos. [26](#) & [27](#)), are granted. The defendant's pretrial motions and briefs shall be filed on or before February 4, 2010, and the trial of this case is continued pending resolution of any pretrial motions filed.
- 2) The ends of justice will be served by granting defendant Rush's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and February 4, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant

additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 31st day of December, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge